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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,) No. CR 07-0568 MHP
16 Plaintiff,)
17 v.) PARTIES' JOINT REQUEST TO CONTINUE
18 MARK JACOBSON,) SENTENCING DATE AND [PROPOSED]—
19 Defendant.) ORDER
20 _____)
21

22 It is hereby stipulated by and between counsel for the United States, Assistant U.S.
23 Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas Carlucci, that,
24 subject to the Court's approval, the sentencing hearing presently set for February 9, 2009, be
25 continued and set for sentencing hearing on June 1, 2009, at 9:00 a.m. The United States has
previously determined from reviewing the Court's publicly posted scheduling information that
the Court is currently available for a hearing on that date. The assigned probation officer,
Constance Cook, also has been consulted with respect to this date and has indicated that she is
available on that date.

26 The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24,
27 2007, to one count of conspiracy to misappropriate, receive, possess, and transmit trade
28 secrets, gain unauthorized access to a protected computer, exceed authorized access to a

1 protected computer, and traffic in a password allowing unauthorized access to a protected
2 computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the
3 Probation Office for a presentence report. The plea agreement also includes standard terms of
4 cooperation.

5 In light of continuing cooperation under the terms of the plea agreement, the parties
6 jointly request that the sentencing status hearing on February 9, 2009, be continued for a
7 sentencing hearing on June 1, 2009. Additional time is needed for the defendant to complete his
8 cooperation with the government. Specifically, charges have now been filed against David
9 Nosal. That case is numbered CR 08-0237 MHP. Nosal is due to file pretrial dispositive
10 motions in January 2009; his trial date has not yet been set. When the Nosal matter does proceed
11 to trial, the defendant Jacobson is expected to testify in that matter. Because Mr. Jacobson will
12 be required to testify at trial, his cooperation with the government's investigation is not yet
13 complete.

14 For all of these reasons, the parties jointly request that this Court vacate the sentencing
15 hearing presently set for February 9, 2009, and set a sentencing hearing for June 1, 2009, at 9:00
16 a.m. In addition, the parties jointly request that the due dates for the presentence report be
17 calculated using the new sentencing date.

18 SO STIPULATED.

19 Dated: January 12, 2009

SCOTT N. SCHOOLS
Acting United States Attorney

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21 _____ /s/
22 KYLE F. WALDINGER
Assistant United States Attorney

23 SO STIPULATED.

24 Dated: January 12, 2009

25 _____ /s/
26 THOMAS CARLUCCI
Attorney for defendant Mark Jacobson

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1 **PROPOSED ORDER**

2 GOOD CAUSE APPEARING,

3 IT IS ORDERED that the sentencing status hearing presently set for February 9, 2009, be
4 continued to June 1, 2009, at 9:00 a.m. The final presentence report should be disclosed two
5 weeks prior to the sentencing date.

6 Dated this 13th day January, 2009

